

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD BASKETT,

Plaintiff,

v.

KEVIN BOVENKAMP.,

Defendant,

Case No. C06-5150RJB

REPORT AND
RECOMMENDATION

**NOTED FOR:
JULY 21st, 2006**

This 42 U.S.C. § 1983 Civil Rights has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. This action was filed in March of 2006. (Dkt. # 1). Plaintiff alleges Mr. Bovenkamp unlawfully denied a request for a change in probation officer. (Dkt. # 1 and 10). The court outlined deficiencies in the complaint and ordered plaintiff to file an amended complaint. He has not done so. (Dkt. # 6). The court specifically warned plaintiff:

If an amended complaint is not timely filed, or if plaintiff fails to adequately correct the deficiencies identified in this Order, the Court will recommend dismissal of this action as frivolous.

(Dkt. # 6).

Plaintiff has not complied with the court's order to amend. Instead he filed two motions to amend that

1 did not address the court's concerns. (Dkt. # 7 and 8). The court entered a second order to amend and warned
2 plaintiff that if an amended complaint was not received by June 24th, 2006 the court would recommend
3 dismissal. (Dkt. # 9). Plaintiff has not complied. Plaintiff did file a response to the second order to amend in
4 which he raises arguments concerning persons not named as defendants, but, he has not complied with the
5 courts order. (Dkt. # 10).

6 The court recommends the action be **DISMISSED WITH PREJUDICE** for the reasons stated in the
7 order to amend and for failure to comply with a court order. (Dkt. # 6 and 9). A proposed order
8 accompanies this Report and Recommendation.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
10 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.
11 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.
12 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
13 set the matter for consideration on **July 21st, 2006**, as noted in the caption.

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15 DATED this 29th day of June, 2006.

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17 /s/ J. Kelley Arnold
18 J. Kelley Arnold
19 United States Magistrate Judge
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